

**No. 14-17-00685-CR**

In the  
Court of Appeals for the  
Fourteenth District of Texas  
At Houston

FILED IN  
14th COURT OF APPEALS  
HOUSTON, TEXAS  
4/10/2019 11:07:14 AM  
CHRISTOPHER A. PRINE  
Clerk

—◆—  
**No. 1555099**

In the 228<sup>th</sup> District Court of Harris County, Texas

—◆—  
**NELSON GARCIA DIAZ**

*Appellant*

V.

**THE STATE OF TEXAS**

*Appellee*

—◆—  
STATE’S MOTION FOR SECOND EXTENSION OF TIME TO FILE BRIEF

—◆—  
TO THE HONORABLE COURT OF APPEALS:

THE STATE OF TEXAS, pursuant to TEX. R. APP. P. 2 & 10.5, moves for an extension of time in which to file its appellate brief and in its motion, would show the Court the following:

1. The appellant was charged with the burglary of Troy Dupuy’s habitation committed on September 26, 2013 (CR – 6). He pled “not guilty” to the charge, and the case was tried to a jury (CR – 142). The jury found him guilty and sentenced him to thirty-two years in prison on August 14, 2017 (CR – 142). The appellant filed notice of appeal that same day, and the trial court certified that he had the right to appeal (CR – 145, 147).

2. The State's brief was originally due on March 11, 2019, but this Court granted a first extension until April 10. The State hereby requests a second 30-day extension for the filing of the State's brief.
3. The following facts are relied upon to show good cause for an extension of time to allow the State to file its brief:
  - a. The undersigned attorney has researched and answered by email more than 160 legal questions of trial prosecutors since the appellant filed his brief.
  - b. The undersigned attorney is solely responsible for coordinating the legislative agenda for the Harris County District Attorney's Office. This task has been particularly busy in the past few weeks since the legislators have been soliciting feedback and rallying support for or opposition against the 7,000 plus bills that have been filed this session.
  - c. The undersigned attorney has been assisting other attorneys in the office in planning and presenting some Continuing Legal Education seminars to the Harris County District Attorney's Office, which has occupied a substantial amount of time.
  - d. The undersigned attorney has been managing, reviewing, and editing the work product of the other appellate attorneys in the Appellate Division. Furthermore, the undersigned attorney is solely responsible for curating the Office's online database of legal memoranda, which is meant to provide primers for trial prosecutors on popular legal issues. This project started after the appellant filed his brief and has occupied a substantial amount of time in setting up the computer infrastructure and reviewing the legal memoranda.
  - e. The undersigned attorney is responsible for drafting and maintaining the Office's pleading database, which occupies a substantial amount of time throughout the year, including the time since the appellant has filed his brief.

f. The undersigned attorney has worked on the following written projects since the appellant filed his brief:

- (1) Jerry Wiltz v. The State of Texas  
No. 14-18-00718-CR  
No. 14-18-00719-CR  
State's Brief filed February 19, 2019

WHEREFORE, the State prays that this Court will grant the requested extension.

Respectfully submitted,

/s/ Eric Kugler  
**ERIC KUGLER**  
Assistant District Attorney  
Harris County, Texas  
1201 Franklin, Suite 600  
Houston, Texas 77002-1923  
(713) 274-5826  
Kugler\_eric@dao.hctx.net  
TBC No. 796910

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing instrument will be served by efile.txcourts.gov to:

Nicole DeBorde  
Attorney at Law  
3515 Fannin St  
Houston, Texas 77004  
Nicole@DeBordeLawFirm.com

/s/ Eric Kugler  
**ERIC KUGLER**  
Assistant District Attorney  
Harris County, Texas  
1201 Franklin, Suite 600  
Houston, Texas 77002-1923  
(713) 274-5826  
TBC No. 796910

Date: April 10, 2019